

DRAFT RECLAMATION MANUAL RELEASE

Comments on this draft release must be submitted to kwhitford@do.usbr.gov by October 30, 2007.

Background and Purpose of the Following Reclamation Manual Directives & Standards

The purpose of Environmental Management Systems (EMS) Conformance Review, ENV 05-02, is to establish the requirements for conformance with Executive Order 13423 and the process determining if an appropriate organization can declare full implementation of an EMS. All Bureau of Reclamation organizational levels and operations whose activities exhibit significant environmental impacts based on the identification of their environmental aspects, must be incorporated into an EMS. Those Reclamation offices that are required to implement an EMS, i.e., “appropriate” organizations, are, at a minimum, the Technical Resource Office, area offices, and other appropriate organizations whose management structure is similar to that of an area office (e.g., Central Valley Project Office, Boulder Canyon Operations Office, Grand Coulee Power Office, etc.).

An EMS consists of planning, tracking and reporting processes targeted at significant environmental issues and concerns. The objective of an EMS is to increase management control, decrease liability, and foster continuous improvement in addressing environmental impacts.

The Reclamation Manual is used to clarify program responsibility and authority and to document Reclamation-wide methods of doing business. All requirements in the Reclamation Manual are mandatory.

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Subject: Environmental Management System (EMS) Full-Conformance Audit and Declaration

Purpose: Establishes the process, responsibilities, and criteria for evaluating full-conformance of a Bureau of Reclamation EMS with the Department of the Interior's guidance, and Executive Order (EO) 13423. Compliance with this Directive and Standard (D&S) will support continual improvement in managing Reclamation's environmental liability.

Authority: EO 13423, Strengthening Federal Environmental, Energy, and Transportation Management; Council on Environmental Quality (CEQ) "Instructions for Implementing Executive Order 13423"; Clean Water Act, 33 United States Code (U.S.C.) 1251 et seq., as amended; Clean Air Act, 42 U.S.C. 7401-7671q, as amended; Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.; Toxic Substances Control Act, 42 U.S.C. 2601 et seq.; Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq.; Oil Pollution Act, 33 U.S.C. 2701-2761; Protection of the Environment Title 40 Code of Regulations; Departmental Manual (DM) 515 DM 4.

Approving Official: Director, Office of Program and Policy Services

Contact: Water and Environmental Resources Office, 84-55000

1. **Scope.** This D&S establishes a documented process to determine EMS full -conformance at appropriate Reclamation organizations, as directed by EO 13423. The purpose of a full-conformance audit is to determine if an appropriate organization can declare full implementation of an EMS. All Reclamation organizational levels and operations whose activities exhibit significant environmental impacts based on the identification of their environmental aspects, must be incorporated into an EMS. Those Reclamation offices that are required to implement an EMS, i.e. "appropriate" organizations, are, at a minimum, the Technical Resource Office, area offices, and other appropriate organizations whose management structure is similar to that of an area office (e.g. Central Valley Project Office, Boulder Canyon Operations Office, Grand Coulee Power Office, etc...).
2. **Responsibilities.**
 - A. **The Director, Office of Program and Policy Services (OPPS),** is responsible for coordination of Reclamation EMS implementation and reporting. The Director is responsible for developing guidance and implementing a Reclamation-wide EMS full-

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conformance audit process in accordance with 515 DM 4 and the CEQ “Instructions for Implementation of Executive Order 13423.”

- B. **Regional Directors** are responsible for the development, implementation, and documentation of a regional EMS full-conformance audit process that complies with existing Reclamation requirements.
- 3. **Full-Conformance Audit Criteria.** EMS full-conformance is defined as meeting the following requirements for implementing an EMS. A full-conformance audit will include evaluation of these criteria. The EMS Conformance checklist is included in this D&S as Appendix A.
 - A. **Environmental Aspects.** A procedure has been established at the appropriate organizational level to identify and document significant environmental aspects. The procedure must provide for a written or electronic list of the activity or function being evaluated, the activity’s aspect, the aspect’s environmental impact, and whether the impact is significant or not. Environmental aspects must be prioritized based on their impacts and significance.
 - B. **Goals, Objectives, and Targets.** A procedure has been established at the appropriate organizational level to identify and document measurable environmental goals, objectives, and targets. The procedure must include updating goals, objectives, and targets, as appropriate, and a written or electronic list of the objective and its associated goal and target, a narrative describing the objective and its associated goal and target, and the estimated completion dates for goals and targets.
 - C. **Operational Controls.** A procedure has been established at the appropriate organizational level to document operational controls. EMS operational controls are any procedures required to meet full-conformance audit criteria. Controls are required to address significant aspects consistent with goals, objectives, and targets. The procedure must provide a written or electronic list of EMS operational controls with the control’s title, and a tracking system for issue and revision date(s), author, responsible office, and location of hard copy(s).
 - D. **Environmental Training.** A procedure has been established at the appropriate organizational level to ensure that training requirements for individual competence and responsibility have been identified and documented. Training documentation must be included in the individual’s employee personnel file.
 - E. **Contracts.** A procedure has been established at the appropriate organizational level to ensure that all appropriate new and renewed agreements, permits, leases, licenses,

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contracts, concessions, or other legally-binding obligations support Reclamation's EMS objectives, goals, and targets. Requirements shall be included in all appropriate new and renewed contracts to ensure that the contractors' roles and responsibilities under the EMS are properly addressed. Where Reclamation owns or manages public lands on which non-governmental entities are present, and whose activities are permitted, licensed, or otherwise authorized or regulated, the procedure shall, at a minimum, consider the environmental impacts of such activities.

- F. **EMS Conformance Assistance Reviews.** A procedure at the appropriate organizational level has been established for internal EMS reviews to provide the appropriate organization senior management with the status of EMS conformance. (See Paragraph 6.)
 - G. **Management Review.** A procedure is in place at the appropriate organizational level for annual EMS review by the senior management accountable for implementation of the EMS.
4. **Full-Conformance Audit Program.** A full-conformance audit program shall be established at regional offices and OPPS to perform full-conformance audits at the appropriate organization's request. When an appropriate organization's senior management has determined that a full-conformance audit is warranted, they shall submit an audit request to an independent full-conformance audit program. All full-conformance audits must be performed by a qualified auditor, as defined in Paragraph 7, and must include:
- A. Identification and documentation of the appropriate organization levels or project levels to be evaluated for EMS conformance.
 - B. A process for tracking EMS implementation status at Reclamation appropriate organizational levels.
 - C. A process to verify that timely and effective action is taken to address conformance review findings.
5. **Full-Conformance Declaration.** Full-conformance must be declared once an appropriate organization's EMS meets the full-implementation criteria as determined by a full-conformance audit.
- A. **Full implementation.** An EMS shall be considered fully implemented when:
 - (1) It has been the subject of a formal audit by a qualified party outside the control, or scope of the audited EMS;

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- (2) Audit findings have been addressed by the appropriate organization's senior management; and
 - (3) The appropriate organization's senior manager accountable for implementation of the EMS has given public notice of conformance to EMS requirements.
- B. **Recurring Full-Conformance Audits.** Once conformance has been declared, the EMS shall then be audited by a qualified independent auditor at least every 3 years from the date of the initial declaration. Conformance declaration shall be renewed based on audit findings.
- 6. **Conformance Assistance Reviews.** EMS conformance assistance reviews will be conducted to assist in establishing and maintaining EMS full-conformance. Conformance assistance reviews will be conducted in coordination with environmental compliance review program wherever possible (see ENV 02-08). The purpose of a conformance assistance review is to gather information on EMS status to inform the appropriate organization's senior management of the status of EMS implementation prior to full-conformance audit, or of the effectiveness of an existing EMS. A conformance assistance review is not a full-conformance audit.
 - A. If a conformance assistance review finding indicates that the organization's established EMS cannot perform a critical function, that organization shall correct the finding in a timely manner. The inability to demonstrate that a critical criteria discrepancy has been remedied in a timely manner may result in loss of full-conformance status. Loss of full-conformance status would require the EMS to re-qualify for full-conformance on all critical criteria as identified in paragraph 3 above.
- 7. **Full-Conformance Auditor Qualifications.** A full-conformance auditor (or audit team lead) must be independent from the organizational level being reviewed. The minimum training to qualify as a conformance review auditor (or audit team lead) is:
 - A. General knowledge of the reviewed organizational level and its operation;
 - B. Working knowledge of EO 13423, and Reclamation Policy and D&S; and
 - C. Experience as a conformance review auditor or review team member within the last 2 years, or completion of audit or review training specific to Reclamation's EMS conformance review program.

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8. **Independence.** Independence is defined as outside of the control of the evaluated organization or outside the scope of the evaluated EMS. Such an individual shall not be supervised, directly or indirectly, by management of the evaluated EMS or organization and shall not benefit from any corrective action or follow-up work resulting from the evaluation.
9. **Exceptions to Independence.** Exceptions to the independence requirement are allowed for EMS reviews when adherence to the independence requirement would create a significant travel or economic hardship. If an otherwise qualified auditor does not meet the independence criteria for a given organizational level they must obtain written approval from the regional director, or designated representative before conducting a full-conformance audit. Under no circumstances will an organization assess the full-conformance of its own EMS.